

ZB# 87-54

Phyllis Horwath

39-5-8

Section:
9/14/87

Public Hearing:
Oct. 26, 1987.

Notice to
Sentinel
on 9/16/87.

Fee Paid

Area
Variance
Granted
on 10/26/87

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

General Receipt

9333

Oct. 5 19 87

Received of

Bill Costi

\$ 25⁰⁰/₁₀₀

DOLLARS

For

Twenty Five and ⁰⁰/₁₀₀
Z.B.A Application Fee (87-108)

DISTRIBUTION:

FUND	CODE	AMOUNT
Check # 25.00		
# 729		

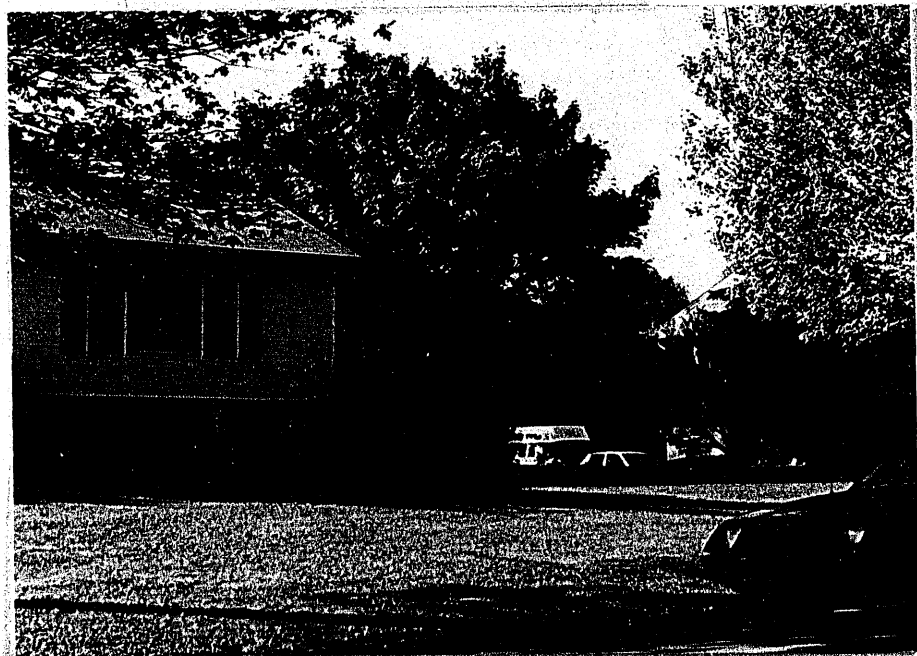
By

Pentire J. Townsend
ED

Town Clerk

Horwath, Phyllis
Title

Williamson Law Book Co., Rochester, N. Y. 14609

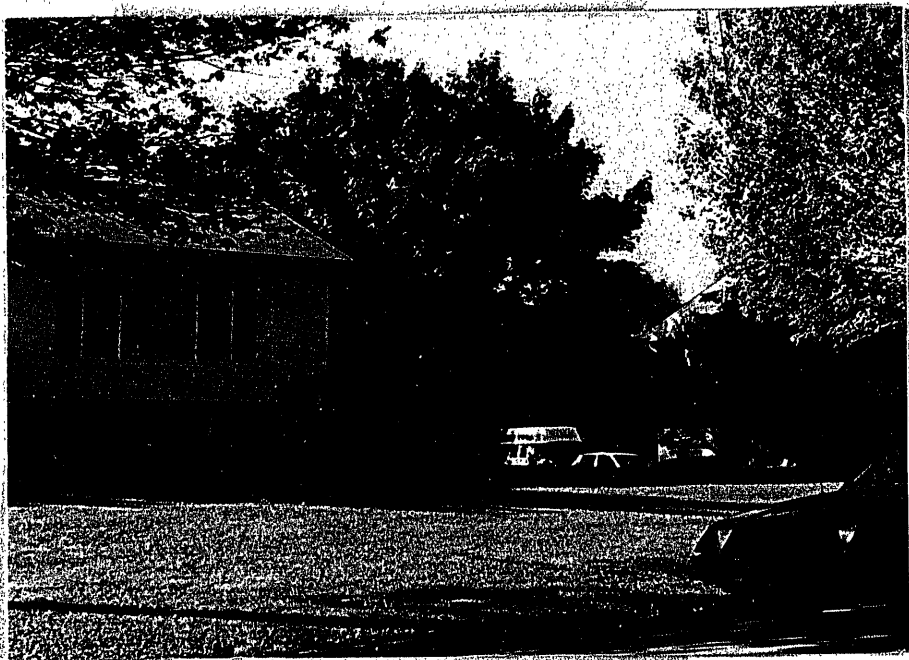


Dist. 10-10

FUND	CODE	AMOUNT
Check # 25.00		
# 729		

Williamson Law Book Co., Rochester, N. Y. 14609

By Kentlin N. Lawrence
ED
Town Clerk
Horwath, Phyllis Title



NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

PHYLLIS HORWATH

DECISION GRANTING
AREA VARIANCE

#87-54.

-----X

WHEREAS, PHYLLIS HORWATH, 15 Birchwood Drive, New Windsor, New York 12550, has made application before the Zoning Board of Appeals for a variance of the Regulations of Section 48-12 - Table of Use/Bulk Regulation to construct an addition to property with insufficient sideyard; and

WHEREAS, a public hearing was held on the 26th day of October, 1987 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant appeared in behalf of herself; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking to construct an addition to residential dwelling but cannot maintain a sideyard which is required according to the bulk regulations in an R-4 zone.

3. The evidence presented by the applicant substantiated the fact that a 5 ft. side yard variance would have to be obtained in order for applicant to construct addition to residential structure.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicant will encounter practical difficulty if the variance requested is not granted because applicant cannot purchase additional land within which to comply with bulk regulations for sideyard.

2. The requested variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

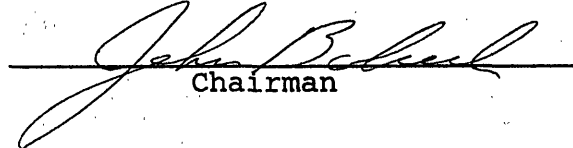
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 5 ft. sideyard variance for construction of an addition to residential structure in accordance with plans submitted to the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: November 9, 1987.


Chairman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

file

October 27, 1987

Ms. Phyllis Horwath
15 Birchwood Drive
New Windsor, N.Y. 12550

RE: APPLICATION FOR AREA VARIANCE
#87-54

Dear Ms. Horwath:

This is to confirm that the Zoning Board of Appeals made a decision to GRANT your above request for a variance at the October 2, 1987 meeting.

Formal decision will be drafted some time in the future and acted upon by the Board. You will be receiving a copy by return mail.

Very truly yours,

PATRICIA A. BARNHART
Secretary

/pab

cc: Town Planning Board
Michael Babcock, B. I.

DATE: 10/26/87.

Application #

PUBLIC HEARING - Horwath, Phyllis (Applicant)

NAME:

Anthony P. Giuliani

ADDRESS:

1 Hudson Dr.

ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. 87-108

Date 6/29, 1987

To Phyllis & Nelson Hornwith

15 Birchwood Dr

New Windsor, N.Y. 061-3401

PLEASE TAKE NOTICE that your application dated 6/29, 1987
for permit to Put Addition on Site of House R-42 zone
at the premises located at 15 Birchwood Dr.

is returned herewith and disapproved on the following grounds:

Need 15 Ft Side Yard Have 11 Ft Need
4' Variance

Jack Finnegan
Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd. <u>15 / 15</u>	<u>11</u>	<u>4' 5</u>

OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. 87-108

Date 6/29, 1987

To Phyllis & Nelson Horwath

15 Birchwood Dr

New Windsor, N.Y. 071-3401

PLEASE TAKE NOTICE that your application dated 6/29, 1987

for permit to Put Addition on Side of House R-4 Zone

at the premises located at 15 Birchwood Dr

is returned herewith and disapproved on the following grounds:

Need 15 Ft Side Yard Have 11 Ft Need
4' VARIANCE

Jack Finnegan
Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd. <u>15 / 15</u>	<u>11</u>	<u>4'</u>
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* <u>%</u>	<u>%</u>	<u>%</u>
Floor Area Ratio*		

- * Residential Districts only
** Non-residential districts only



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

ND

August 18, 1987

Mr. & Mrs. Nelson Horwath
15 Birchwood Drive
New Windsor, NY 12550

Re: 39-5-8

Dear Mr. & Mrs. Horwath:

According to our records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$85.00, minus your deposit of \$25.00. Please remit same to the Town Clerk, Town of New Windsor, NY.

Very truly yours,

Christian E. Jahrling/cp

CHRISTIAN E. JAHRLING, IAO
SOLE ASSESSOR

CEJ/cp
Attachments

Fitzpatrick, Richard T. & Oris
25 Valewood Dr.
Newburgh, NY 12550

Donato, Glenn & Monica
23 Valewood Dr.
Newburgh, NY 12550

Deagostino, Roland V. & Evelyn A.
21 Valewood Dr.
New Windsor, NY 12550

Beyer, Louis F. & Alice
19 Valewood Dr.
Newburgh, NY 12550

Vecchio, Salvatore
17 Valewood Drive
New Windsor, NY 12550

Hightower, William M. & Eleanora
15 Valewood Dr.
New Windsor, NY 12550

Salbucci, Sisto & Lena
13 Valewood Dr.
New Windsor, NY 12550

Scherf, Howard & Phyllis
10 Valewood Dr.
New Windsor, NY 12550

Collery, Richard G. & Angela R.
12 Valewood Dr.
New Windsor, NY 12550

Suchowiecki, Michael & Janie
14 Valewood Dr.
New Windsor, NY 12550

Schreiber, Heinrich & Gertrude B.
16 Valewood Dr.
New Windsor, NY 12550

Wondsel, Theodore G. & Susan E.
18 Valewood Dr.
New Windsor, NY 12550

Jones, Louise
20 Valewood Dr.
New Windsor, NY 12550

Fenwick, Richard & Kathleen
22 Valewood Drive
New Windsor, NY 12550

Stoerchle, Arthur
655 Route 32
Highland Mills, NY 10930

Zachow, Karl & Lindy A.
26 Valewood Dr.
New Windsor, NY 12550

DeGiorgio, Pat D. & Sarah
28 Valewood Dr.
New Windsor, NY 12550

Payne, Julian M. & Jeanette
30 Birchwood Dr.
New Windsor, NY 12550

Hasbrouck, William B. Jr. & Florence
28 Birchwood Dr.
New Windsor, NY 12550

Powell, Robert J. & Janice M.
26 Birchwood Dr.
New Windsor, NY 12550

Roller, Irvin J. & Stephanie
24 Birchwood Lane
New Windsor, NY 12550

Bettker, Alfred J. & Eleanor A.
22 Birchwood Drive
New Windsor, NY 12550

Rhodes, Benedetta
20 Birchwood Dr.
New Windsor, NY 12550

Babicz, Marlene
18 Birchwood Dr.
New Windsor, NY 12550

Thomas, LeRoy G. & Joyce W.
16 Birchwood Dr.
New Windsor, NY 12550

Pertschy, John G. & Lieslotte
14 Birchwood Dr.
New Windsor, NY 12550

Puglisi, Henry & Mary
12 Birchwood Dr.
New Windsor, NY 12550

Haddock, John L. & Frances
10 Birchwood Lane
New Windsor, NY 12550

Coleman, Roy H. & Lucille R.
8 Birchwood Drive
New Windsor, NY 12550

Burt, Lois A.
3 Birchwood Dr.
New Windsor, NY 12550

Millen, Walter F.
5 Birchwood Lane
New Windsor, NY 12550

Fuat, Aydogan & Nazire
7 Birchwood Dr.
New Windsor, NY 12550

Benichasa, John
9 Birchwood Dr.
New Windsor, NY 12550

Spart, Philip C. & Rose M.
11 Birchwood Lane
New Windsor, NY 12550

Norton, Bradford A & Lorraine M.
13 Birchwood Lane
New Windsor, NY 12550

Andrews, Eugene L. & Thomasina E.
17 Birchwood Lane
New Windsor, NY 12550

Troy, Arthur J. & Mary C.
19 Birchwood Lane
New Windsor, NY 12550

Stacklum, Thomas W. & Lillian G.
21 Birchwood Lane
New Windsor, NY 12550

Muller, Manfred B. & Ofelia
23 Birchwood Dr.
New Windsor, NY 12550

Curry, William E. & Margaret E.
25 Birchwood Lane
New Windsor, NY 12550

Maroon, Margaret J.
27 Birchwood Lane
New Windsor, NY 12550

Capicotto, James N. & Betty F.
31 Hudson Dr.
New Windsor, NY 12550

Dempsey, Stanley H. & Jean T.
29 Hudson Dr.
New Windsor, NY 12550

Chrisley, Gisela H.
27 Hudson Dr.
New Windsor, NY 12550

Wack, Robert B. & Dorothy W.
25 Hudson Dr
New Windsor, NY 12550

McChesney, Andres A. & Caroline S.
23 Hudson Dr.
New Windsor, NY 12550

Youngberg, Edwin J. & Marion E.
21 Hudson Dr.
New Windsor, NY 12550

Wajda, John & Helen & Stephanie
19 Hudson Dr.
New Windsor, NY 12550

Brown, Leo & Caroline
PO Box 4027
New Windsor, NY 12550

Thompson, Robert & Linda
15 Hudson Dr.
New Windsor, NY 12550

Einhaus, Otto & Anna R.
13 Hudson Dr.
New Windsor, NY 12550

Maxwell, Michael E. & Frances E.
11 Hudson Dr.
New Windsor, NY 12550

Smith, Robert R. & Rhoda L.
9 Hudson Dr.
New Windsor, NY 12550

Giuliani, Anthony & Christina
7 Hudson Dr.
New Windsor, NY 12550

DeSousa, Manuel & Diana
5 Hudson Dr.
New Windsor, NY 12550

Lagoy, Raymond A. & Elizabeth T.
12 Hudson Dr.
New Windsor, NY 12550

Reiff, Sol & Geraldine
14 Hudson Dr.
New Windsor, NY 12550

Mazzarelli, Frank C. Jr. & Kathleen M.
16 Hudson Dr.
New Windsor, NY 12550

Wilkins, Richard E. & Ellen Jane
18 Hudson Dr.
New Windsor, NY 12550

Stanford, Elton V. & Estelle I.
20 Hudson Dr.
New Windsor, NY 12550

Urban, Kenneth J. & Virginia L.
22 Hudson Dr.
New Windsor, NY 12550

Skakel, Floyd H. Jr. & Marie J.
27 St. Anne Dr.
New Windsor, NY 12550

Town of New Windsor
555 Union Ave
New Windsor, NY 12550

Garcia, Annicet-Claudine & Julia
24 Hudson Dr.
New Windsor, NY 12550

Kotwas, Alexander E. & Dolores E.
26 Hudson Dr.
New Windsor, NY 12550

Schorro, Edmund J. & Frances
28 Hudson Dr.
New Windsor, NY 12550

Lodato, Anthony S. & Jilda
30 Hudson Dr.
New Windsor, NY 12550

Linskens, Brian & Ellen
32 Hudson Dr.
New Windsor, NY 12550

Moran, James F. & Patricia A.
34 Hudson Dr.
New Windsor, NY 12550

Wilson, Charles O.
22 St. Anne Dr.
New Windsor, NY 12550

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

87-108

Date: 9-14-87

I. Applicant Information:

- (a) Phyllis Horwath, 15 Birchwood Dr, 561-3401
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) Gil Rosh Baum, 5 Meadow Hill Rd. 564-6100
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Special Permit

III. Property Information:

- (a) R-4 15 Birchwood Dr. 39-5-8. 90 x 125'
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? N/A
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1-31-1969
- (e) Has property been subdivided previously? NO When? —
- (f) Has property been subject of variance or special permit previously? NO When? —
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____
- _____

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. F.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd. <u>15 / 15</u>	<u>10</u>	<u>5</u>
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

Approval of This Variance will allow the
Construction of a 15' x 26' Addition.
This Room will be used as a Dining
Area since no such Room exists Now.

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	sq.ft.	sq.ft.	sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the use and structures proposed for the special permit.

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

The Proposed Construction will Be Built By a
licensed Contractor (HANS PROCKNER & Co OF WARWICK N.Y)
The Terms of our contract state that the
Addition will appear as a natural extension and
will maintain symmetry with the existing
structure.

IX. Attachments required:

- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
- ☒ Copy of tax map showing adjacent properties.
- ☐ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☐ Copy(ies) of sign(s) with dimensions.
- ☒ Check in the amount of \$ 25.00 payable to TOWN OF NEW WINDSOR.
- ☒ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 9/16/87.

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Phyllis Swartz
(Applicant)

Sworn to before me this

16th day of Sept., 1987.

PATRICIA ~~DELL~~ A. Bunkart
NOTARY PUBLIC, State of New York
~~No. 5970775~~
Qualified in Orange County
Commission Expires March 30, 1989.

XI. ZBA Action:

- (a) Public Hearing date _____.
- (b) Variance is _____.
- Special Permit is _____.
- (c) Conditions and safeguards: _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

and giving a detailed description or layout of property must be drawn on the diagram which is part of this application.

c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.

d. The work covered by this application may not be commenced before the issuance of a Building Permit.

e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.

f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

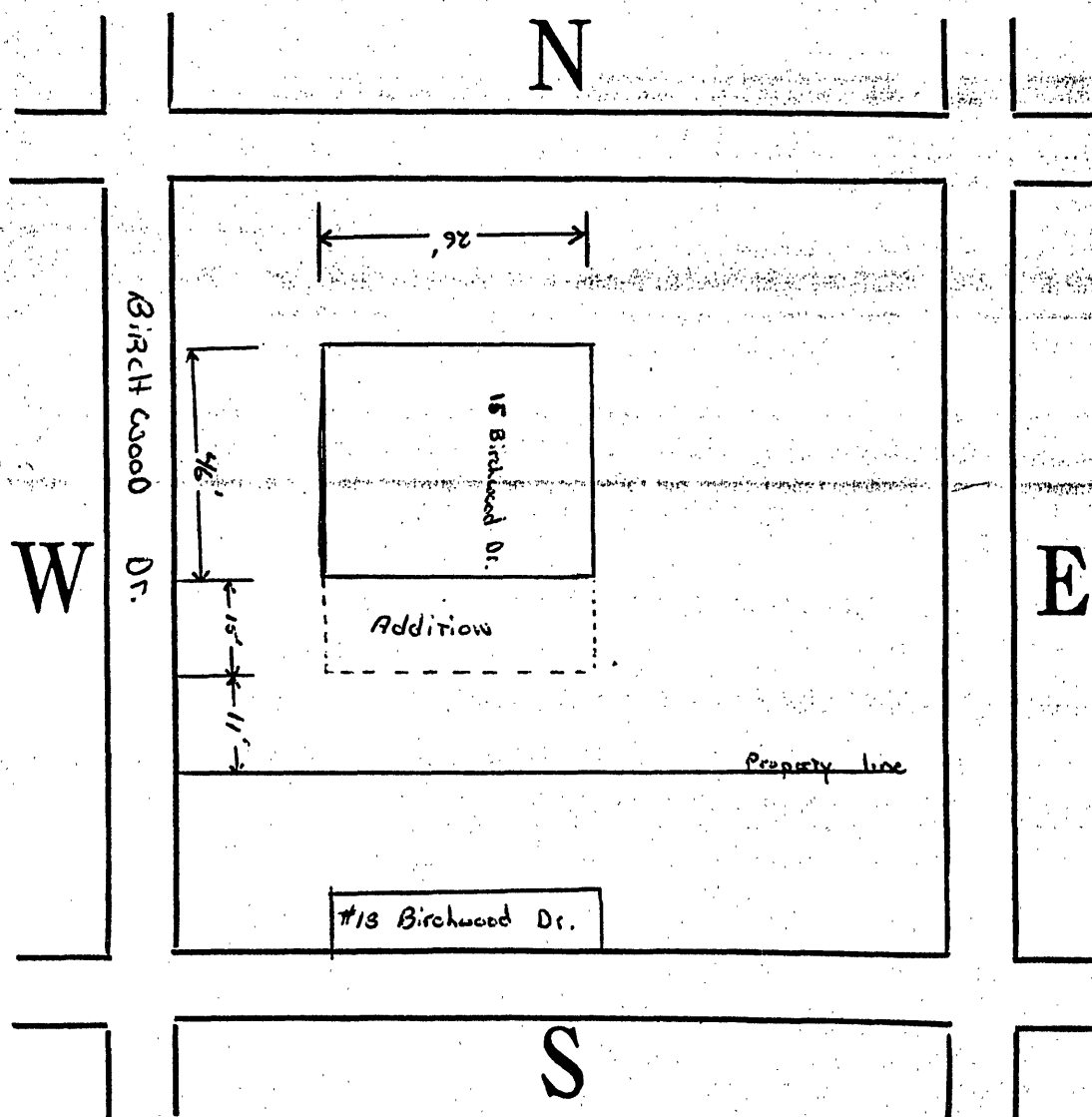
.....
(Signature of Applicant)

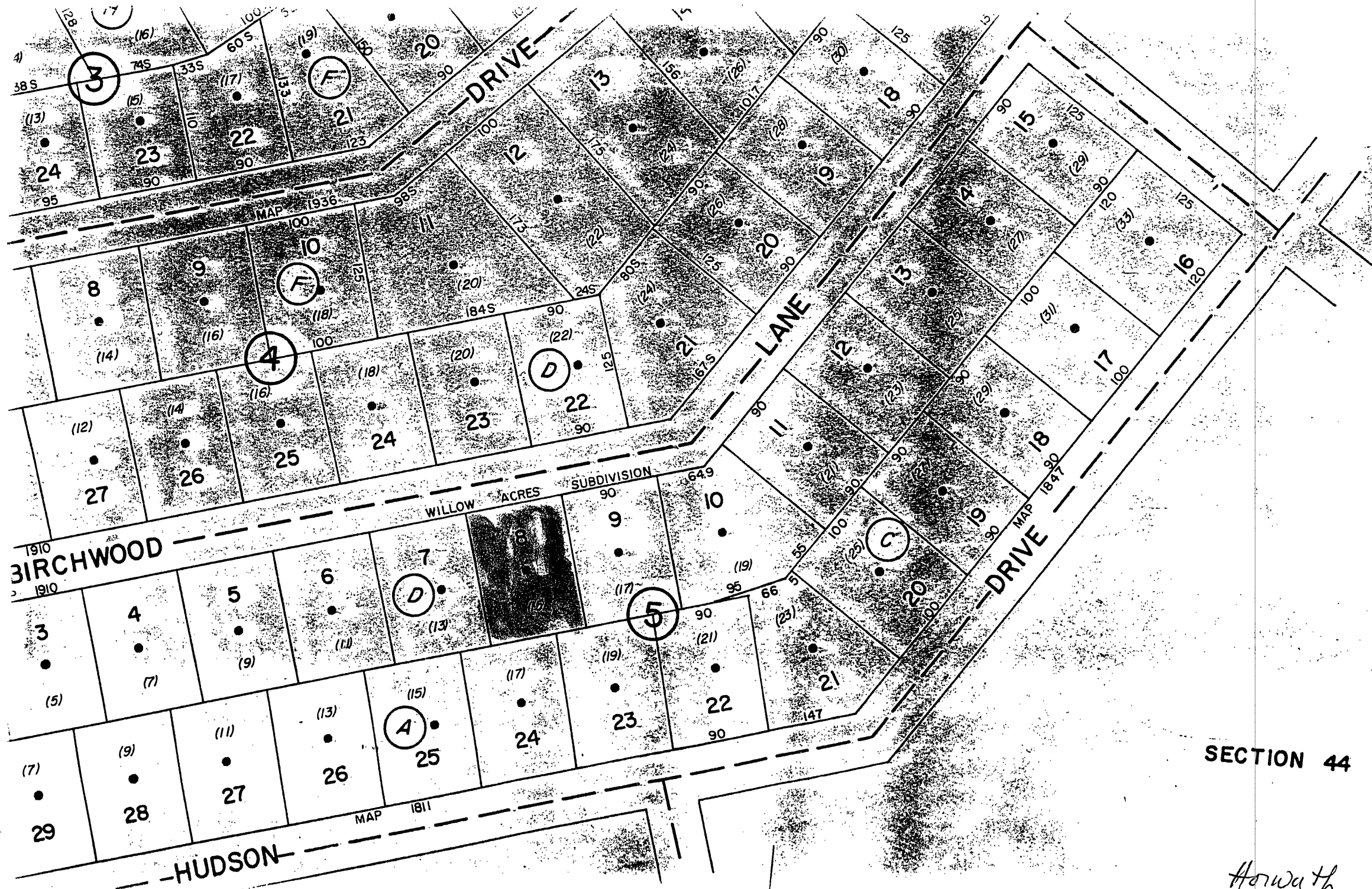
.....
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.





SECTION 44

Horwath

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
TOWN BUILDING/ZONING INSPECTOR BABCOCK

FROM: ZONING BOARD OF APPEALS

SUBJECT: PUBLIC HEARINGS BEFORE THE ZBA - 10/26/87

DATE: October 16, 1987

Please be advised that the following public hearing(s) will be heard before the Zoning Board of Appeals on the above date:

HORWATH, PHYLLIS - AREA VARIANCE
ZAMENICK, FRED - AREA VARIANCE
PETRO, JOHN A. - USE/AREA VARIANCES
DOYLE, STEPHEN - AREA VARIANCE
ALESTALO, ERIC - AREA VARIANCE
(Exhibits previously submitted)

I have attached hereto copies of the pertinent application(s) together with public hearing notice(s) which were published in The Sentinel.

Patricia A. Barnhart, Secretary
Zoning Board of Appeals

/pab

Attachments

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 54

Request of Phyllis Horwath

for a VARIANCE of

the regulations of the Zoning Local Law to

permit construction of addition with
insufficient side yard;

being a VARIANCE of

Section 48-12 - Table of Use/Bulk Regs. - Col. F

for property situated as follows:

15 Birchwood Drive, New Windsor,
N. Y.

SAID HEARING will take place on the 26th day of
October, 1987, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

Jack Babcock.
Chairman